

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ALASKA**

JOSHUA D. BRIGGS,

Plaintiff,

v.

OREAN YI, *et al.*,

Defendants.

Case No. 3:22-cv-00265-SLG

ORDER RE MOTION TO QUASH

Before the Court at Docket 91 is Defendants' motion to quash a deposition of Assistant Municipal Attorney Tyler Wright that Plaintiff noticed for 3:00 a.m. this morning. Noticing a deposition for that hour of the day clearly imposes an undue burden on a deponent and hence the motion to quash is GRANTED. See Fed. R. Civ P. 45(d)(3)(A)(iv). Pursuant to that rule, and by motion filed within 7 days of the date of this order, Defendants may seek an appropriate sanction, including attorney's fees incurred in filing the motion to quash.

In light of the apparent discovery challenges confronting the parties, IT IS FURTHER ORDERED that should Plaintiff seek to renotice the deposition of Tyler Wright, Plaintiff shall (1) first provide written notice to Defendants of at least 5 alternative dates and times for the deposition, with all such proposed dates and times to be on a day the federal court is open, during normal business hours, and with no such date less than 14 days from the date of the written notice, to which

Defendants shall promptly respond in writing to Plaintiff by selecting one such date; and (2) include with the written notice a brief description of each topic on which Plaintiff seeks to question Mr. Wright at the deposition.

Counsel shall file a notice with the Court when the deposition is scheduled to take place; the Court will endeavor to be available on that date in the event the parties reach an impasse, so as to be able to rule on the record during the deposition on issues that may arise.

DATED this 12th day of January, 2024, at Anchorage, Alaska.

/s/ Sharon L. Gleason
UNITED STATES DISTRICT JUDGE